United Nations A/AC.109/2005/19

General Assembly

Distr.: General
21 June 2005

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the United Nations Special Mission to Bermuda, 2005

Contents

		Paragraphs	Page
I.	Introduction	1–8	2
II.	Information on the Territory	9–17	3
III.	Activities of the Mission	18–44	5
IV.	Members of the Bermuda Independence Commission	45	11
V.	Conclusions	46–54	11
Annexes			
I.	Opening statement of the Chairman of the Special Committee to the Bermuda Independence Commission, 28 March 2005		13
II.	Itinerary and activities of the Special Mission, March, May-June 2005		17

05-39320 (E) 300605

I. Introduction

A. Terms of reference

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples held an informal meeting with a delegation of the Bermuda Independence Commission on 18 February 2005, during which time the Chairman of the Commission delegation extended an invitation to the United Nations to visit the Territory.

2. At its 2nd meeting on 11 March 2005, the Special Committee decided to accept the invitation of the Commission to send a United Nations Special Mission to Bermuda in two phases, in March and May 2005, subject to the concurrence of the administering Power. The objective of the Mission was to gather information on the situation in Bermuda first-hand and to assess the type of assistance the United Nations system could provide to the self-determination process in Bermuda, as well as to participate in the activities organized by the Commission, with a view to defining the future status of the Territory.[1] In that context, the United Nations Special Mission to Bermuda planned to meet with the members of the Commission, representatives of the Government, political parties, the administering Power and the public at large. The Special Committee delegation also had as an objective to inform Bermudians about the process of self-determination and subsequent decolonization under the Charter of the United Nations and about the mandate of the Special Committee and the wider United Nations system in that regard. The delegation also planned to participate in interactive meetings organized by the Commission and to answer questions from the public.

3. In a letter dated 17 March 2005 addressed to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Permanent Representative of the United Kingdom to the United Nations conveyed to the Chairman of the Committee that his Government "has no objection to the Committee accepting the invitation from the Bermuda Independence Commission to visit Bermuda from 28 to 31 March". In a letter dated 23 May 2005, addressed to the Chairman of the Special Committee, the Permanent Representative of the United Kingdom to the United Nations once again confirmed that the United Kingdom, as administering Power, "has no objection to the Committee accepting the invitation from the Bermuda Independence Commission to visit Bermuda from 30 May to 4 June 2005". The letter went on to say: "We understand that both the Governor of Bermuda, Sir John Vereker, and the Bermuda Government are willing to meet with you if you wish. However, we would like to make clear that neither the United Kingdom nor the Bermuda Government wish this to be a tripartite meeting."

B. Composition of the Mission

4. Following consultations with the regional groups, it was decided that the United Nations Special Mission would be composed of the representatives of Bolivia, the Congo, Dominica, Papua New Guinea and Timor-Leste. The Special Mission was accompanied by an independent expert and two staff members of the Secretariat. During the first phase, the Mission also included a representative of the

United Nations Development Programme (UNDP), and the second phase of the Mission was complemented by an adviser.

5. The members of the Mission were as follows: Julian Robert Hunte, Permanent Representative of Saint Lucia to the United Nations, Chairman of the Special Committee and Chairman of the Special Mission; Erwin Ortiz Gandarillas, Deputy Permanent Representative of Bolivia to the United Nations; Luc Joseph Okio, Vice-Chair of the Special Committee and Minister Counsellor of the Republic of the Congo to the United Nations; Crispin S. Gregoire, Permanent Representative of the Commonwealth of Dominica to the United Nations; Jimmy Ure Ovia, Deputy Permanent Representative of Papua New Guinea to the United Nations; and José Luis Guterres, Permanent Representative of the Democratic Republic of Timor-Leste to the United Nations. The Mission was accompanied Ann Marie Ali, Deputy Resident Representative of the United Nations Development Programme in Jamaica (first phase); Carlyle Corbin, Independent Expert in Governance and Constitutional Development (first and second phases); and Fred Phillips, a senior constitutional adviser (second phase). The Mission was also accompanied by Tamara Pozdnyakova, Senior Political Affairs Officer, and Irma Lacey, Programme Assistant, of the United Nations Secretariat.

C. Acknowledgements

6. The United Nations Special Mission wishes to express its profound gratitude to the Government of the United Kingdom of Great Britain and Northern Ireland for facilitating the visit of the Special Mission to the Territory at the request of the Bermuda Independence Commission, a Government-appointed body, and for providing the opportunity for the Special Mission to participate in the public education programme of the Commission. The Special Mission expressed its gratitude for the warm hospitality extended to its members during the visit.

7. The members of the Mission would also like to thank the Government of the United Kingdom of Great Britain and Northern Ireland and in particular its Permanent Representative to the United Nations, New York, Emyr Jones Parry; the Governor of Bermuda, John Vereker; the Premier of Bermuda, W. Alexander Scott; and the Leader of the Opposition, Grant Gibbons, for their cooperation and hospitality.

8. The Special Mission would like to express its deep appreciation to the United Nations Development Programme for its representation on the Mission to Bermuda, its facilitation of the participation of experts to advise the Special Mission on governance and constitutional matters and its further contribution in assisting the Commission in acquiring relevant information on membership in international organizations, including financial institutions and United Nations specialized agencies.

II. Information on the Territory

9. Bermuda, a Non-Self-Governing Territory administered by the United Kingdom, is located in the western part of the Atlantic Ocean, about 917 kilometres east of the North Carolina coast of the United States of America. The Territory consists of 8 major islands and 130 smaller islands. The largest is Great Island, or Main Island. Hamilton, the capital, and St. George's are the two main towns.

10. In 1620, the first Parliament was held after the Crown granted the colony limited self-government. In 1968, the United Kingdom granted Bermuda internal self-government and a new Constitution. In 1995, a referendum was held in Bermuda on the question of independence. Of the 58.8 per cent of eligible voters who participated, 73.6 per cent voted against independence. The then-opposition party organized a boycott of the referendum among supporters of independence.

11. The last census, conducted in 2000, recorded a population of 62,098. Sixty per cent of the inhabitants were of African descent, while 40 per cent were of North American or European descent.

12. There are three political parties in the Territory. The Progressive Labour Party (PLP) was the first party to be formed by the black population of Bermuda in 1963 to gain representation and power in a white-controlled political and economic system. The United Bermuda Party (UBP) was formed in 1964 by whites opposed to PLP policies. The National Liberal Party (NLP), which seeks a middle ground, is not represented in the House of Assembly. The Premier is chosen from the majority party and heads a Cabinet of no more than 14 members of the legislature.

13. Bermudians must be 18 years of age to vote in elections or referendums. They must be Bermudian by birth or status, or non-Bermudian, long-term residents of Bermuda who are citizens of the British Commonwealth and have registered to vote annually since 1979. Automatic citizenship applies to children born in Bermuda, except to those without either parent being Bermudian by birth or status.

14. In January 2005, the Government of Bermuda established the Bermuda Independence Commission. The Commission, which must complete its work by July 2005, was set up with the express purpose of educating, informing and encouraging discussion and debate on the subject of independence for Bermuda. It was the stated intention of the Government that the Commission be independent of the Government and representative of the wider Bermudian community. The Commission consists of 14 members appointed by the Premier and comprises representatives from unions and organizations, as well as private individuals. The opposition UBP declined formal membership in the Commission. However, two former UBP officials participate in their personal capacities. During its six months of work, the Commission held public meetings and received submissions from the public at large, and it will prepare a report with recommendations that will assist the Government in developing its approach towards the issue of independence.

15. The mechanism of determining the wishes of the people of Bermuda in relation to independence remains one of the central issues upon which the main political parties are divided. While PLP considers that the preferable mechanism would be a general election, the opposition UBP holds the position that a referendum is the only appropriate mechanism to determine the preference of the people regarding self-determination. According to press reports, at the sixth Overseas Territories Consultative Council meeting in London in September 2004, the representatives of the Territories asked the United Kingdom Minister for Overseas Territories whether the United Kingdom was supportive of the Territories exercising their right to self-determination by election or referendum and whether either mechanism was an option or an expectation. The Minister admitted that the United Kingdom had no clear policy on the issue at that time and invited the Territories to submit their written representations on the question, so that it could be discussed at the 2005 Overseas Territories Consultative Council meeting. The Minister indicated that the United Kingdom would advise the Territories on its position at the end of 2004.

16. Subsequently, in early 2005, the United Kingdom Minister for Overseas Territories issued a policy memorandum through the United Kingdom Governors in the Non-Self-Governing Territories, which stated that:

> "As the grant of independence by the United Kingdom requires the prior approval of (the United Kingdom) Parliament, the United Kingdom Government needs to be satisfied that, if a territory moves to independence, it does so on the basis of the clearly and constitutionally expressed wish of its people. The move to independence is a fundamental step. Increasingly in the United Kingdom, major constitutional issues of this kind are being put to a referendum. At this time, the presumption of the United Kingdom Government is that a referendum would be the way of testing opinion in those territories where independence is an option. But a final decision on whether to go the referendum route, and on what form the referendum might take, would need to be determined by the United Kingdom on a case-by-case basis, reflecting the uniqueness and individual characteristics of each territory."

17. In commenting on the policy statement, the Premier of Bermuda emphasized that the position of the United Kingdom indicated that the methodology for a Territory determining a move to independence would be done on a case-by-case basis.

III. Activities of the Mission

A. Meetings in Bermuda

18. During its two visits to Bermuda, the Special Mission had meetings with the Bermuda Independence Commission, the Premier of Bermuda, members of the Cabinet, PLP parliamentarians, the leadership of the opposition UBP, including the Leader of the Opposition, and the Governor of the Territory. The Special Mission also participated in six evening public meetings at various sites around the country and one school meeting, where persons of different ages and from the various communities presented their views on self-determination and independence, and posed questions to the members of the Special Mission on the experiences of their countries during the transition to independence. From the public meetings, it became clear that there is a serious racial divide between the persons of African descent and those of European descent. That division is played out, in significant measure, in the support for opposing political parties, as well as in the support for or opposition to independence. In addition, during the second visit, the Special Mission met with the high school students who had participated in an essay competition and debate on the issue of independence and with the members of the Commission for Unity and Racial Equality (CURE).

1. Meeting with the Bermuda Independence Commission, 28 March 2005

19. On 28 March 2005, the Special Mission had a day-long meeting with the full membership of the Bermuda Independence Commission. The Chairman of the Commission and the Chairman of the Special Mission made statements. The Commission reported that, since its creation in January 2005, it had taken into account the issues and conclusions contained in the 1977, 1979 and 1995 reports to Parliament on various aspects of independence for Bermuda.

20. The Commission informed the United Nations Special Mission that it had visited the United States, the United Kingdom, Canada, Barbados and the Bahamas, and held two press conferences and its first public meeting. The Commission also informed that it had conducted interviews with the representatives of the Bermuda Monetary Authority, the Ministry of Tourism and Transport, the Department of Civil Aviation, the Bermuda Police and the Bermuda Regiment. The Commission stated that those authorities were of the view that the quality of their services would be maintained under an independent Bermuda.

21. The Commission further informed the Special Mission that it was in the stage of collecting information and opinions of the population on how to approach the self-determination process, and that the Government would develop an approach to the debate on the subject, taking into account the report submitted to it by the Commission.

22. The Chairman of the Special Mission thanked the Commission for the invitation to participate in the process of political education under way in Bermuda. He also thanked the United Kingdom for concurring with the request for the mission to be undertaken. He also noted that the use of visiting missions to Non-Self-Governing Territories was a long-standing mandate given by the General Assembly in its resolutions. The Chairman of the Special Mission stated that, consistent with Articles 1, 5 and 73 of the Charter of the United Nations, the year 2005 marked a significant benchmark in the self-determination process worldwide, with the convergence of the five-year review of both the United Nations Millennium Declaration and the Second International Decade for the Eradication of Colonialism. The Chairman advised that the mandate of the Mission was to get first-hand information on the situation in Bermuda and to define what assistance the United Nations could provide for Bermuda if requested. He emphasized that the Special Mission was not in Bermuda to seek to persuade the Territory of any particular approach to take in the self-determination process, or of any particular path to be chosen to achieve that goal. What the Special Mission could do, he indicated, was to provide certain insights gained from the experiences of other former Territories which had moved to a full measure of self-government.

23. Members of the United Nations Special Mission, particularly the representatives of the Congo, Dominica, Papua New Guinea and Timor-Leste, shared the experience of their countries during the transition to independence.

24. Members of the Commission noted the unique position of Bermuda among countries and Territories, with one of the highest per capita incomes in the world, and further noted the pragmatic approach of the population in reviewing the economic and other implications of independence. They also recognized that some of the problems facing Bermuda, such as the lack of affordable housing and crime and racial tension, could not be necessarily resolved by transition to independence, and needed to be addressed urgently. The Commission also recounted the view of some in the business community regarding the potential impact of independence on the financial services and tourism sectors.

25. The Special Mission encouraged the Commission to continue to conduct their educational campaign on an all-inclusive basis, as well as to develop short-, medium- and long-term plans for ensuring the continued active participation of the population. The Commission members were also informed that Bermuda, as a Non-Self-Governing Territory, could participate as a member, an associate member or an observer in the work of some specialized agencies and other organizations of the United Nations system, in accordance with their respective mandates.

26. The Commission sought advice and suggestions on how to effectively involve the opposition and the business community in dialogue and discussion on the self-determination of Bermuda. The Chairman of the Special Mission responded that the factors that ensure the continuation of successful economic activities were the stability of the Government, good governance, an independent judiciary system and a strong and independent monetary authority. The members of the Special Mission also explained that, in their countries, representatives of the business sector had received assurances with respect to the continuation of their activities prior to the act of self-determination, in particular through the adoption of relevant legislation and regulations.

2. Public meetings at St. George's Cricket Club, 29 March; Somerset Cricket Club, 30 March; Devonshire Recreation Club, 31 March; Cedarbridge Academy, 31 May; Sandy's Secondary Middle School, 1 June; Clearwater Middle School, 2 June 2005

27. During the six public meetings, the Chairman of the Bermuda Independence Commission and the Chairman of the Special Mission made introductory statements, after which members of the public made statements and asked questions. Several participants presented written submissions on the issue of independence to the Commission. Some of the speakers had benefit of the discussions at previous public meetings, owing to television and radio transmission, and referred in their statements to the United Nations material distributed at previous meetings.

28. The Commission members informed participants of information they had gathered during the course of their work. It was noted that, notwithstanding the three options for self-determination recognized by the United Nations, namely independence, integration with an independent State and free association with an independent State, the United Kingdom, as the administering Power, had expressed the view that only independence or the status quo were on offer. Some participants indicated that that position was inconsistent with United Nations principles on decolonization routinely agreed by all nations. Members of the Special Mission noted, among other things, that the political options of free association with an independent State or integration with an independent State, provided the possibility of association or integration with a country other than the administering Power. Many participants were interested in the future economic and political relationships with the United Kingdom, the United States, the European Union and other countries in the event that the Territory chose independence. The Commission and the Special Mission responded that an independent Bermuda could maintain close and warm relations with any country. With respect to the issue of citizenship, raised during the first phase of the Special Mission, the Commission responded that the issue of the retention of United Kingdom citizenship, or dual citizenship, under independence was subject to negotiation. With respect to the favourable visa regime currently existing with the United States, the Commission informed that the United States Department of State had assured it that it would continue. During the second visit to Bermuda in May 2005, discussion of the issues related to citizenship and visa regimes revolved around the responses of the Foreign and Commonwealth Office released earlier in the month.

29. Many questions referred to concrete aspects of the functioning of an independent State, including the adoption of, and amendments to, a Constitution, the legislative activities of a State, and the checks and balances ensuring democratic development of the society. Questions were also asked about the cost of maintaining a Foreign Service. Members of the Special Mission explained how the foreign

service was financed in their respective countries. Some questions referred to the functioning of the World Trade Organization and other aspects of the global economy. The members of the Special Mission gave examples of the process of democratic governance in their countries.

30. Some speakers noted that independence was an inevitable step in the development of a nation, and that Bermuda had been a self-sufficient country for a long time. Others observed that since the situation in Bermuda was favourable, there was no need to change it. A number of speakers said that in the case of independence, the country would need to ensure a smooth transition, continued democracy and anti-corruption measures. The members of the Special Mission responded that the Constitutions of their countries guaranteed the separation of powers and independence of the judiciary system.

31. A number of speakers made references to the racial divide in the Territory. While for one group independence was associated with liberation, for another it was associated with uncertainty and fear. The Commission noted that the discussion of independence brought the issue of racial divide to light and that the discussion was healthy. Some speakers indicated that independence would give all Bermudians a chance to be united as one nation. In fact, one of the advantages of independence was seen in the possibility to unite the population around a common nationality. Regarding racial divisions, it was indicated that both racial groups needed to reach out for a common agenda of unity. Participants referred to the joint efforts of the whole population in the aftermath of the hurricane, which was a positive example of cooperation. The Commission noted that the racial issues in Bermuda have to be addressed irrespective of independence, and that they have to be discussed by the society.

32. During its second visit to Bermuda, the Special Mission had a meeting with the Commission for Unity and Racial Equality. The Commission, set up in 1994 and consisting of both employees and volunteers, has a statutory duty to work towards the elimination of unlawful racial discrimination and the promotion of equality of opportunities and good relations between people of different racial groups in the workplace.

33. The Special Mission acknowledged the valuable work conducted by CURE in compiling statistical data on racial policies in the workplace. The Special Mission concluded that consideration might be given to expanding the scope of CURE to include a broader range of areas affected by racial considerations in Bermudian society. Members of CURE expressed the desire to develop direct links with the United Nations Committee on the Elimination of Racial Discrimination, to access information on techniques and procedures for addressing racial issues. It was acknowledged that, owing to the status of CURE as a quasi-governmental entity, certain limitations existed in accessing resources available to non-governmental bodies to undertake certain activities in this field. Accordingly, it was noted that consideration might be given to reviewing the structure of CURE so that relevant resources might be made available to them to address a broader range of issues.

34. The question of defining the transition to independence by referendum or election was addressed by a number of Bermudians. A representative of the Special Mission raised his country as an example, where the opposing parties reached consensus through negotiations and the transition of his country to independence had not required either a referendum or elections. The representative of Bermudians for Referendum announced that his group was collecting signatures in favour of deciding on the issue of independence by a referendum and not by elections. A

number of persons expressed a degree of scepticism about the process of collecting signatures by the group.

35. The representative of UNDP expressed the view that the focus should not be as much on independence as an event, but rather on a process whereby Bermudians would define their goals and explore whether those could be reached through transition to independence or through another option of political equality. It was commonly recognized by the public, the Commission and the Special Mission that there was a need for more education on constitutional issues, on the current status of the Territory and on the steps to be taken in transition to a fully self-governing status.

3. Meeting with the Premier of Bermuda and the Leader of the Opposition

36. The Special Mission held meetings with the Premier of Bermuda, members of the Cabinet, the Progressive Labour Party parliamentarians and the leadership of the opposition, including the Leader of the Opposition Grant Gibbons. In those meetings, members of the Special Mission informed of the mandate of the United Nations to advance self-determination in all remaining Non-Self-Governing Territories. At the meeting with the Premier, the items of availability of assistance to Non-Self-Governing Territories and the possible participation of Bermuda in the work of relevant United Nations programmes and organizations were raised. During the second visit, the Premier noted the highly professional conduct of the members of the United Nation Special Mission on the first visit to Bermuda and stressed the importance of the information provided. He said that Bermudians were in the initial stages of considering the issue of independence and that the forthcoming report of the Bermuda Independence Commission was expected to serve as a basis for working out the approach to the issue.

37. At the meeting with the opposition during the first visit, the Special Mission shared information on the United Nations mandate for involvement in the process of self-determination of the Territory, pursuant to the Charter of the United Nations. During the second visit of the United Nations Special Mission to Bermuda, the Opposition declined a request by the Commission to have a follow-up meeting with the Special Mission.

4. Luncheon with the Governor of Bermuda

38. During the first visit, the Special Mission attended a luncheon with the Governor of the Territory. Discussions centred on the position of the United Kingdom Government in regards to the completion of the decolonization process in Bermuda and the legitimate self-determination options contained in General Assembly resolution 1541 (XV). In that connection, the Governor reiterated the position that the United Kingdom is not offering free association or integration, two of the three recognized options of political equality.

39. The Governor also expressed the view that the United Kingdom does not regard Bermuda as "non-self-governing". That point was questioned by several members of the delegation, who pointed to the relevant provisions of the Bermuda Constitution Order, which places significant power in the hands of the United Kingdom-appointed Governor, rather than the elected Government. The Governor emphasized that his powers, while extant and statutory, are not routinely exercised and, in a number of areas, have been delegated to the elected Government. It was the view of the Special Mission that such reserved powers are not consistent with a fully self-governing political status as defined by international principles.

40. On the matter of the political status options available to Bermuda, it was pointed out that while the United Kingdom may not offer the alternatives of free association or integration, that does not preclude the Territories from seeking either status with another country. The case of the Turks and Caicos Islands was cited, whereby that Territory is seeking an association arrangement with Canada.

41. The issue of removing Bermuda from the United Nations list of Non-Self-Governing Territories in the event of a "No" vote on independence in a referendum, or through a similar outcome as a result of a general election, was also discussed with the Governor, who asked what the United Nations policy was on the matter. Following discussions, it was clarified that the results of such a referendum or election would not yield a self-governed status, since the status quo non-self-governing arrangement would remain in place, as the status quo political status is the reason for the Territory remaining on the United Nations list. It was also clarified that the Territory would not be de-listed on the basis of a request of the administering Power alone; the General Assembly would have to make the decision following an objective assessment of conditions in the Territory concerned.

42. At the beginning of the second visit, the Special Mission was advised by the Commission that agreement had not been reached on convening a tripartite meeting between the administering Power, represented by the Governor, the Government of Bermuda and the United Nations Special Mission.

5. Closing meetings with the Bermuda Independence Commission, 31 March and 2 May 2005

43. During the first visit to Bermuda in March 2005, the United Nations Special Mission held a closing meeting with the Commission, at which observations and recommendations were offered. It was observed that the racial component sometimes dominated the discussion of the issues related to independence. The importance of involving the younger generation in discussion was emphasized. The Committee welcomed the commitment of the Commission to an inclusive education campaign and, in that respect, to incorporate the input from the opposition. The importance of continued dialogue with the administering Power was also reiterated. The Special Mission again expressed the importance of strengthening the information component of Commission activities through television, radio and the Commission website, as well as printed material. The possibility and usefulness of Bermuda participating in the work of some United Nations organizations and agencies was also underlined.

44. During the final meeting, at the conclusion of the second visit, the Special Mission noted with satisfaction the positive impact of the Commission's public education programme and dissemination of balanced information to the public. The Special Mission also commended the Commission for conducting consultations with the Government of Bermuda and the administering Power. The Special Mission also lauded the Commission for its broad approach to information-gathering through meetings with the business community and various sectors of the population, as well as visits to other countries and to the United Nations. The Special Mission observed the increased involvement of young people in the discussion of the future of Bermuda through quizzes, essay competitions and panel discussions. The Special Mission was impressed by the high degree of awareness of students, expressed in their detailed questions during the visit of the Special Mission to the Bermuda Institute. The members of the Commission and the Special Mission delegation also

discussed practical matters related to the conclusion of the Commission term of office and the organization of the accumulated material.

IV. Members of the Bermuda Independence Commission

45. Marc Bean, Janet Smith Bradshaw, Derrick Burgess, Crystal Caesar, Rolfe Commissiong, Edward DeMello, Lois Browne-Evans, Dianna Kempe, Vernon G. Lambe (Chairman), Donna Pearman, Gary Phillips, David Rowntree, Robert Steinhoff and Michael Winfield.

V. Conclusions

46. The visit of the United Nations Special Mission to Bermuda brought to light a number of issues affecting the self-determination process in Bermuda, and the role of the United Nations in the promotion of self-government in the Non-Self-Governing Territories in general.

47. It is quite apparent that there was insufficient knowledge and awareness among the people of Bermuda and its political leadership of the role of international law in their process of political and constitutional development. That information deficit extended not only to the political options available to the people, but also to the important part that the wider United Nations system could play in supporting the self-determination and subsequent decolonization of the Territory. The Special Committee, therefore, spent considerable time on enlightening the stakeholders on the relevance of this international process.

48. Since the position presented to the Bermuda Independence Committee by the administering Power on the unavailability of certain political options differed substantively from the consensus position in United Nations resolutions, which confirm a broader range of legitimate political alternatives, a mixed message was heard by Bermudians on this question. The United Nations Special Mission sought to shed some light on the matter during its engagement with the Bermudian community.

49. Even the very issue of whether the present status of Bermuda is self-governing, or not, was raised from time to time during the course of the Special Mission by several individuals. The Special Mission provided clarification on the minimum standards for what constitutes self-government, and thus on the role of the United Nations under Chapter XI of the Charter of the United Nations in relation to the territories, including Bermuda.

50. It was also clear that sufficient information regarding the role the wider United Nations system of organizations might play in the development process of the Territory had not been made available to the people or their leadership. The Special Mission, accordingly, sought to provide the Bermudian community with information on the various United Nations organizations and other international organizations which the Territory could join, under its current political status, in furtherance of its preparatory process for the achievement of full self-government.

51. The racial division in the society was very apparent throughout the course of the discussions with the Bermudian community. The wounds caused by the historic legacy of segregation were very apparent, especially among many of the older generation of Bermudians of African descent who spoke at the public meetings.

Many of them expressed the view that independence would bring closure to the conditions of that period. A number of Bermudians of European descent also spoke of their concerns regarding the impact of independence on the stability of the society, which they perceived to be associated with the constitutional link with the administering Power. Many of them expressed the view that independence could affect that stability, vital to the continued sustainable economy. Some Bermudians argued that an independent Bermuda would bring about reconciliation and unification of the various racial groups, while others were not convinced of that perspective.

52. Significantly, several persons of both racial groups spoke of the need for those societal differences to be addressed and reconciled, so that the people of the Territory could move forward together in whatever direction they choose. That group of Bermudians holds the key to national reconciliation, which would appear to be critical to the future of Bermuda, irrespective of its eventual political status.

53. It can be concluded that the Special Mission to Bermuda provided a mechanism of communication between the people of Bermuda and their leadership, on one hand, and the United Nations, on the other hand. It was evident that the lack of previous communication with the United Nations had resulted in a number of misconceptions in the Territory regarding the role of the United Nations in the self-determination process and the parameters of self-government.

54. The Special Mission was able to clarify its intentions, which were, first and foremost, to provide information to the people of Bermuda that might assist them in their development process, to offer whatever assistance might be available upon request and to ensure that the United Nations was not there to tell the people of the Territory which option to choose or by which method they should make that determination. The Special Mission succeeded in imparting that knowledge and, in the process, gained a much deeper perspective on the dynamics of Bermudian society, as it proceeds towards its process of self-determination.

Notes

[1] See A/AC.109/2005/SR.2.

Annex I

Opening statement of the Chairman of the Special Committee to the Bermuda Independence Commission, 28 March 2005

On behalf of the United Nations Special Mission to Bermuda, which I have the honour to lead, I would like to thank the Bermuda Independence Commission for the invitation to participate in this process of political education presently under way here in Bermuda — a process which is of considerable importance to the future of your country and its people.

The year 2005 marks a significant benchmark in the self-determination process worldwide, as the convergence of two important activities should shed considerable light on how far this process has been advanced to date in territories across the globe, and how much remains to be done, consistent with Articles 1 and 55 of the United Nations Charter.

The first activity of which I speak is the five-year review of the United Nations Millennium Declaration which, among its important pronouncements, is the re-dedication of the international community "to support(ing) all efforts to uphold ... the right to self-determination of peoples ..." The second 2005 event to which I refer is the five-year review of the Second International Decade for the Eradication of Colonialism which is designed to assess the state-of-play in the self-determination process, and to undertake initiatives in furtherance of this goal.

The United Nations Special Mission to Bermuda can be seen within the framework of this convergence. Accordingly, our role is twofold.

Firstly, we are here to assess the situation in your country, pursuant to the long-standing United Nations mandate to review, on a continual basis, the situation in each of the remaining 16 non-independent territories. To this end, we look forward to consulting with the community, as appropriate, on the process of self-determination presently under way.

Secondly, we are here to determine what assistance the wider United Nations system might be able to provide, if requested, to help you as your process unfolds, and later in the implementation phase of whatever decision you may make.

In connection with our visit, we must acknowledge the important cooperation extended to us by the United Kingdom, the administering Power of Bermuda. The United Kingdom was very helpful in organizing meetings between the BIC and the Special Committee on Decolonization during the visit by a BIC delegation to the United Nations in February. On behalf of the Special Committee and on my own behalf, I wish to take this opportunity to, once again, express our appreciation for the continuing informal cooperation between the Government of the United Kingdom and the Special Committee on Decolonization. Without the United Kingdom's concurrence, the United Nations Special Mission to Bermuda could not have been undertaken.

It is important to emphasize, at the outset, that the United Nations Special Mission is not here to seek to persuade you on any particular approach to take in your self-determination process, or on any particular path you should choose. That

is not our role, nor has this ever been the role of the United Nations in the self-determination process of non-independent territories.

What the Special Mission *can* do, however, is to provide certain insights gained from the experiences of other territories who have moved to a full measure of self-government. To this end, we have selected a number of distinguished representatives from United Nations Member States, along with a senior official from the United Nations Development Programme (UNDP), and one Independent Expert on Governance, to be a part of this Special Mission. Their insights, experiences and expertise are formidable, and they are here to contribute their knowledge to the discussions. At this point, permit me to introduce the other members of the Special Mission:

Erwin Ortiz Gandarillas, Deputy Permanent Representative of Bolivia to the United Nations;

Luc Joseph Okio, Minister Counsellor of the Permanent Mission of the Republic of the Congo to the United Nations and Vice-Chair of the Special Committee on Decolonization;

Crispin S. Gregoire, Permanent Representative of the Commonwealth of Dominica to the United Nations;

Jimmy Ure Ovia, Deputy Permanent Representative of Papua New Guinea to the United Nations;

José Luis Guterres, Permanent Representative of Timor-Leste to the United Nations;

Ann Marie Ali, Deputy Resident Representative, United Nations Development Programme, Jamaica Office, which covers Bermuda;

Carlyle Corbin, Independent Expert on Governance and Constitutional Development.

We also have with us two staff members of the Department of Political Affairs of the United Nations Secretariat to provide administrative and other assistance to the Special Mission: Tamara Pozdnyakova and Irma Lacey.

During the first meeting between the Special Commission and the BIC last February, a number of issues were identified of particular relevance to the Bermuda self-determination process, essentially falling into three categories:

- the mandate of the United Nations in promoting the process of self-determination;
- the availability of concrete assistance to Bermuda from the United Nations system;
- some comparisons with other former small island territories which have achieved a full measure of self-government.

Permit me a few thoughts on these issues which will be expanded upon during the course of this week:

First on the United Nations mandate

The United Nations has a historic mandate in promoting the self-determination of those territories which have yet to achieve a full measure of self-government. This mandate is contained in relevant articles of the United Nations Charter, in resolutions and declarations adopted by the nations of the United Nations General Assembly for almost 60 years, and in the various human rights conventions. The Special Committee on Decolonization was created in 1961 for the very purpose of making recommendations on implementing this mandate. The wider United Nations system also has a long-standing mandate to support efforts to assist peoples in achieving their right to self-determination.

Concrete assistance

Secondly, the issue of concrete assistance. Part of the United Nations mandate is the historic commitment to providing assistance to individual territories during their process of self-determination. Resolutions of the United Nations General Assembly have clearly articulated the importance of United Nations assistance in the development of political education programmes to heighten the awareness of the people of their political status options. Such assistance, if requested, could include the provision of advice in ongoing educational processes in individual territories, and would draw on the extensive experience of the United Nations Electoral Unit in conjunction with the United Nations Development Programme, the United Nations Department of Public Information and other United Nations bodies.

For example, as far back as the 1980's, the United Nations was instrumental in conducting a political education programme and popular consultation in the former Trust Territory of the Pacific Islands. Most recently, the United Nations coordinated the referendum process in the former East Timor only a few short years ago and provides significant post-independence support through a comprehensive assistance programme. As noted, the distinguished ambassador of Timor-Leste is a member of this Special Mission.

The Special Committee itself conducts annual regional seminars, alternating between the Caribbean and Pacific, which provides an opportunity for representatives of territorial governments, experts, and non-governmental organizations to conduct in-depth discussions among themselves, and with members of the Special Committee, on the state-of-play in the self-determination processes in the respective territories. The 2005 seminar for the Atlantic/Caribbean territories will be held in Saint Vincent and the Grenadines in May. The Government of Bermuda and the BIC will shortly be extended an invitation to participate in these important proceedings.

Following the achievement of a full measure of self-government, the wider United Nations system of programmes and agencies could make assistance available from a broad range of technical and multilateral assistance programmes, and through the specialized agencies and international institutions associated with the United Nations. In advance of this step, many territories have joined some United Nations specialized agencies, United Nations regional economic commissions, and regional organizations as associate members or observers, in order to facilitate a broader understanding of the international system, and to enhance their capacity in preparation for the change of political status. A study undertaken on behalf of the United Nations Economic Commission for Latin America and the Caribbean last

year by the Independent Expert attached to this Special Mission to Bermuda focuses on the participation of these territories in United Nations world conferences and General Assembly special sessions. I believe copies of the study have been made available to the BIC.

Thirdly, on the issues of comparisons with other small island countries which have achieved independence, it is important to note that a key consideration is preparation. Many former territories were not as constitutionally or economically prepared as Bermuda to move to the next level of political advancement — thus, Bermuda is uniquely prepared in both respects, if you choose to take that step. Bermuda's associate membership in the Caribbean Community (CARICOM), for example, could provide a unique opportunity to study, in depth, the transitional process from advanced constitutional status to eventual independence — as occurred in the case of the former West Indies Associated States. Of course, several members of our Special Mission, during the course of our discussions, can provide insights on the transition of their countries to full self-government.

To conclude, the United Nations Special Mission to Bermuda stands ready to assist you as you proceed with this important process. We are neither here to intrude, nor to offer solutions. We *are* here to provide whatever information you may deem useful as your educational process intensifies.

We congratulate you on the initiation of this process, and stand ready to assist your efforts as the programme unfolds.

Annex II

Itinerary and activities of the Special Mission, March, May-June 2005

Date	*Activities*
Sunday, 26 March	Arrival from New York
Monday, 27 March	Breakfast meeting with the Chairman
	Meeting with the Bermuda Independence Commission
Tuesday, 28 March	Tour of the island
	Luncheon at Cambridge
	Public meeting at St. George's Cricket Club
Wednesday, 29 March	Meeting with the Leader of the Opposition
	Meeting with the Premier of Bermuda
	Public meeting at Somerset Cricket Club
Thursday, 30 March	Debriefing meeting with the BIC
	Meeting with the Governor of Bermuda
	Public meeting at the Devonshire Recreation Club
Friday, 31 March	Breakfast meeting with the Chairman
	Mission concludes its work
Monday, 30 May	Arrival in Bermuda
Tuesday, 31 May	Breakfast meeting with the Chairman
	Meeting with Bermuda Independence Commission
	Public meeting at the Cedarbridge Academy
Wednesday, 1 June	Breakfast meeting with the Chairman
	Presentation by Walton Brown
	International Expert Group on Self-determination
	Public meeting at Sandy's Secondary Middle School
Thursday, 2 June	Breakfast meeting with the Chairman
	Visit with students of Bermuda Institute
	Public meeting at Clearwater Middle School

Date	*Activities*
Friday, 3 June	Breakfast meeting with the Chairman
	Meeting with CURE
	Meeting with BIC